

Attorney(s) : **Pro Se: Frank Hurtz**
Office Address & Tel No. **402 Mt. Prospect Av., Newark, NJ 484-0714.**
Attorney(s) for Plaintiff(s) **Pro Se: Frank Hurtz**

Plaintiff(s)

Frank Hurtz

vs.

Defendant(s)

Luis Quintana, Councilman

SUPERIOR COURT
OF NEW JERSEY

ESSEX COUNTY

LAW DIVISION

Docket No. **ESX L-9312-99**

CIVIL ACTION

SUMMONS

The State of New Jersey, to the Above Named Defendant(s):

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and require to serve upon the attorney(s) for the plaintiff(s), whose name and office address appears above, an answer to the annexed complaint with 35 days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer and proof of service thereof in duplicate* with the Clerk of Superior Court, at* Court House, Newark, N.J. 07102, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book. The phone numbers for the county in which this action is pending are: Lawyer Referral Service, (201) 622-6207, Legal Services Office (201) 624-5300.

Dated:

Donald F. Phelan, Clerk of Superior Court

Name of defendant to be served: **Luis Quintana, Councilman**
Address for service: **Newark City Hall 3rd Floor**
920 Broad St.
Newark, NJ 07102

*For direct filing, add address for County Clerk and strike "in duplicate."
For Trenton filing add CN-971, Trenton, N.J. 08625.

Frank Hurtz
402 Mt. Prospect Avenue
Newark, New Jersey 07104
(973) 484-0714
Pro Se: Frank Hurtz

FRANK HURTZ,

Plaintiff,

vs.

MAYOR SHARPE JAMES,
DONALD TUCKER, NEWARK COUNCILMAN,
DONALD BRADLEY, COUNCIL PRESIDENT,
ANTHONY CARRINO, NEWARK COUNCILMAN,
LUIS QUINTANA, NEWARK COUNCILMAN,
AUGUSTO AMADOR, NEWARK COUNCILMAN,
CORY BOOKER, NEWARK COUNCILMAN,
GAYLE CHANEYFIELD-JENKINS, COUNCILWOMAN,
ROBERT MARASCO, NEWARK CITY CLERK,
MICHELLE HOLLAR-GREGORY, LAW DEPARTMENT,
RONALD JEAN, NEWARK FINANCE DIRECTOR,
MAMIE BRIDGEFORTH, COUNCILWOMAN,
BESSIE WALKER, COUNCILWOMAN,
DEFENDANTS.

* SUPERIOR COURT OF
* NEW JERSEY
* LAW DIVISION-ESSEX
* COUNTY

* DOCKET NO ESX L-9312-99

* CIVIL ACTION

* NOTICE TO CEASE AND DESIST
* AND TO SHOW CAUSE

COUNT ONE

The Plaintiff, Frank Hurtz, residing at 402 Mt. Prospect Avenue, Newark, New Jersey, 07104, County of Essex, in the State of New Jersey, by way of this notice alleges and says:

1. The Defendants used public funds, City personnel, and in-kind services since 1991 to assist a private entity, the New Jersey Black Issues Convention, (NJBIC, a non-profit corporation in its three day Annual Conventions.
2. The Defendants, Mayor Sharpe James, Councilman Donald Tucker, NJBIC Chairman and Registered Agent, Donald Tucker, President Donald Bradley and the Newark Municipal Council, Ronald Jean, Finance Director, and Robert Marasco, City Clerk, engaged in activities detrimental to the well being of the citizens of Newark in allowing a non-profit organization to utilize city workers (during the work day), equipment, materials, stationary, stamps, in-kind services and public funds during the three day Annual Conventions sponsored by the New Jersey Black Issues Convention (NJBIC).
3. On or about, September 13, 1991 the Defendant, Mayor Sharpe James, Chief Administrative

Officer for the City of Newark, and the City's Corporation Counsel approved the legality of Resolution 7RCW(AS) 090491 which permitted NJBIC to use public funds, city workers, in-kind and other municipal services to assist Councilman Tucker's private organization.

4. On September 4, 1991 the Defendant, Council President Donald Tucker, sponsored and voted illegally on legislation, an act which is both a misuse and abuse of the public taxpayers money and a crime of official misconduct, according to state law.
5. On or about September 18-20, 1991, and prior to the 9th Annual NJBIC the Defendants, Mayor Sharpe James, Councilman Tucker, and Members of the Newark Municipal Council, Robert Marasco, Ronald Jean and others consorted with Councilman Tucker in 1991 to use public funds, city employees and municipal services at a private event held by NJBIC.
6. During 1991, 1993, 1994, 1995, 1996, 1997 and 1998 the Defendants, Councilmen Tucker, Bradley and members of the Newark Municipal Council, the City Clerk and Director of Finance acted in concert to condone the apparent conflict of interest which existed in a city official using city funds and city services for the private benefit of a private organization.
7. The Defendants, Mayor James, members of the City Administration, Councilman Tucker, members of the City Council, and Robert Marasco knew or should have known that it was illegal for a city official to use public funds and services for a private benefit.
8. In 1988, the U.S. Attorney General invested an aide of Mayor Sharpe for misusing city property.
9. On or about December of 1998 Mayor James suspended his aide without pay minutes before his aide resigned.

On or about January 1, 1991, Mayor James' aide went on trial on charges of misusing city supplies and manpower to repair the fire-damaged house of a secretary for the City of Newark.

COUNT TWO

10. On or about September 4, 1991 the Defendants, Councilman Tucker, Bradley, and other members of the City Council and City Clerk, Robert Marasco, certified that the New Jersey Black Issues Convention (NJBIC) was an incorporated 501(c)(3) non-profit tax-exempt

organization composed of fifty-five (55) statewide organizations with more than 1,600 members. The resolution was sponsored by Councilman and NJBIC Chairman and Registered Agent, Donald Tucker.

11. In 1991 and 1993 and in subsequent years the Defendant, Robert Marasco, placed the City Clerk's imprimatur on the undocumented and unsubstantiated claims of the New Jersey Black Issues Convention, thereby, misusing and abusing the public trust.
12. On or about September 13, 1991 Councilman Donald Tucker used city funds to pay for twenty-five (25) senior citizens from the Centre, Inc., an organization, which he founded and is presently its Business Agent, to attend the 9th Annual NJBIC Senior Citizen Symposium on September 18, 1991.
13. On or about October 15, 1991, the Defendant, City Clerk Robert Marasco, submitted a city purchase order to the City of Newark for payment pursuant to Councilman Tucker's request.
14. In 1991 and subsequent years the Defendants violated the City's Code of Ethics, "no officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges for himself or others. ... "no officer or employee shall act in his or her official capacity in any matter where he or her immediate family or any business organization in which direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.
14. In 1991 the Defendants, Mayor James, Councilman Tucker, Members of the City Council, Robert Marasco, Ronald Jean and others were negligent and derelict in their duties and responsibilities to the citizens of Newark in providing public funds and municipal services to NJBIC, a tax-exempt corporation which lost its Title 15 A status in 1987.

COUNT THREE

1. On September 1, 1993, eight (8) of nine (9) Newark Councilmembers approved and adopted Resolution 7RCU 090193 which was sponsored by Councilman Tucker without the approval and required sign-off of the Newark Corporation Counsel.
2. On 9/1/93 the Defendants, Councilman Donald Tucker, George Branch, Henry Martinez,

Anthony Carrino, Ronald Rice, Gary Harris, Ralph Grant and Donald Tucker voted to allow the NJBIC to use public funds and city materials for a private event.

3. On 9/1/93 the Newark Municipal Council acted illegally by allowing Councilman Tucker and NJBIC to use public funds, personnel and in-kind services during the 11th Annual Black Issues Convention.
4. The actions of Mayor James, the City Council, Councilman Tucker, the NJBIC and City Clerk, Robert Marasco has caused financial harm and great injury to the moral, ethical and legal fabric of the Community.
5. During the period of 1991 to 1996 the Chairman and Registered Agent for NJBIC operated and conducted business as a 501 (c)(3) non-profit tax exempt organization. The Defendants failed to honor and carry out their oath of office by providing civil funds and municipal services to a colleague's organization whose non-profit status was revoked from 1987 to 1996 by the State of New Jersey.
6. The Defendant, Robert Marasco, improperly and wrongly certified Resolution 7RCU 090193 by attesting to the valid non-profit status of NJBIC and certifying without proof or knowledge, that NJBIC was an organization of 55 statewide organizations with more than 1,600 represented African-American leaders.
7. The City of Newark, Councilman Tucker, the NJBIC, the Newark Municipal Council, City Clerk, Robert Marasco and Finance Director, Ronald Jean were notified to cease and desist all activities for the 17th Annual Black Issues Convention which is to be held on or about September of 1999. The utilization of public funds for a private benefit to Councilman Tucker is tantamount to committing criminal acts against the common good and the people of Newark.
8. On or about September 1, 1993, and subsequent years (1994-1998) the Newark City Clerk, Robert Marasco, wrongly misused his office by assigning members to work on none City work for a private entity during the work day.
9. During the years of 1993-1998 the Defendant, Robert Marasco, willfully placed the jobs

of city employees in jeopardy by forcing them to work for a private organization.

COUNT FOUR

1. In 1994 the Defendants, Mayor James, Council President Bradley, Councilman Tucker, the Newark Municipal Council, City Clerk, Robert Marasco, violated the public trust by approving and certifying Resolution 7RD 090794 which provided NJBIC, a private organization, founded and incorporated by Councilman Donald Tucker with public funds and municipal services.
2. The Plaintiff alleges and says that the Defendants have a fiduciary responsibility and obligation to provide the citizens of Newark with an explanation as to why public funds are being used to assist the NJBIC annually for the private benefit of Councilman Tucker, especially, in the light that no other municipality in the state has assisted the Convention with public funds or other in-kind services.
3. In 1991-1998 the Defendants, Councilman Tucker, Councilman Bradley, members of the Municipal Council, Robert Marasco, Ronald Jean and Mayor James allowed Councilman Tucker (1) to violate the law of conflict of interest; (2) to violate the State and City Ethics Code; (3) to violate the City Charter and (4) to violate City personnel policies.
4. On or about September 7, 1994 the Defendants, Mayor Sharpe James, Councilman Donald Tucker, Councilman Donald Bradley and members of the City Council, City Clerk, Robert Marasco, and Finance Director, Ronald Jean, aided and abetted Councilman Tucker and the New Jersey Black Issues Convention in ascertaining public funds, city employees and other City services in the operation of the annual Black Issues Convention.
5. From 1991 to 1998 the Defendants misused their official offices to grant to NJBIC, Donald Tucker, Councilman, and NJBIC Chairman and Registered Agent, the unethical and wrongful approval to use public funds, public personnel and public equipment for the private benefit of a private organization.
6. On or about May 9, 1989, August 23, 1995 and January 4, 1996 the Newark Corporation Counsel provided a legal opinion to Councilman Donald Tucker, Councilman Ralph Grant

and the Municipal Council pursuant to their request about using public funds and services for a private benefit.

7. On or about October 15, 1995 the state Local Finance Board ruled that an Essex County freeholder violated the ethic laws by voting to appoint his wife to a \$ 50,000 job as the clerk to the board of freeholders.
8. On or about September 18, 1996 Robert Marasco, City Clerk, acknowledged that the City provided staff and in-kind services to NJBIC.
9. On October 9, 1998, November 16, 1998, December 7, 1998 and December 15, 1998 violated the New Jersey Right to Know Law by refusing to make available information pertaining to NJBIC and the use of public funds and city workers for its Annual Convention.
10. On or about November 7, 1992 a federal grand jury indicted a Newark councilperson for misusing public funds.
11. On or about October 23, 1993 a Newark councilperson admitted to defrauding the City of Newark.
12. On or about May 16, 1994 that same councilperson was sentenced to prison for misusing public funds.

COUNT FIVE

1. From 1991-1998, except for 1997, the Defendant, Councilman Tucker sponsored and authorized legislation, without the legal approval of the City of Newark, to provide his organization, NJBIC, with public funds, city personnel and city equipment.
2. From 1991-1998 the Defendants, Mayor James, Councilmen Tucker, Bradley, Carrino, Grant, Harris Martinez, Rice, Crump, Chaneyfield, Quintana, Amador, Booker, Bridgeforth and Walker approved resolutions which granted NJBIC public funds and other in-kind services for its 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th Annual New Jersey Black Issues Convention.
3. From 1991-1998, the Defendant, Robert Marasco legitimized and certified, without confirming, the claim made by the sponsor of the law that the NJBIC was composed of 55 statewide

organizations with more than 1,600 representative African-American leaders. The defendant also failed to ascertain what other municipalities were contributing public funds and in-kind services to the NJBIC.

4. From 1991-1998, the Defendant, Councilman Donald Tucker violated the City's personnel policies, the Newark City Charter, the State and City Code of Ethics, the law of conflict of interest, and misused his public office for personal gain and aggrandizement.
5. On or about September 30, 1993 public funds were used to send a group of Newark youths to the 11th Annual New Jersey Black Issues Convention. To date, the names of those sent to the Convention has not been made known.
6. The scandalous behavior and misconduct in office of the Defendant, Councilman Donald Tucker, and most offensive occur on 9/1/91 when the Defendant used public funds to send members of the Centre, Inc. an organization, (which he founded and is currently the Business Agent) to the New Jersey Black Issues Convention, NJBIC at the Sheraton Meadowlands Hotel in East Rutherford.
7. From 1991-1998 the Defendants, Mayor Sharpe James, Councilman Donald Bradley, Councilman Donald Tucker, members of the Municipal Council, City Clerk Robert Marasco and Finance Director, Ronald Jean, failed to have the NJBIC indemnify the City of Newark in any of the years in which City employees worked during the work day at the Conventions.
8. From 1991-1998 the Defendant, City Clerk Robert Marasco, certified and attested that NJBIC was a tax-exempt organization with 55 statewide organizations and 1,600 represented African-American leaders.

COUNT FIVE

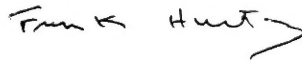
The Plaintiff, Frank Hurtz, repeat the First, Second, Third, and Fourth Counts as if fully set forth herein at length.

WHEREFORE, the Plaintiff demands that the Defendants, Mayor Sharpe James, Councilman Donald Tucker, NJBIC, Chairman and Registered Agent, Donald Tucker, Council President, Donald Bradley, City Clerk, Robert Marasco, Corporation Counsel, Michelle Hollar-Gregory,

and Finance Director, Ronald Jean be ordered to cease and desist in providing public funds, municipal employees, city supplies, materials, equipment, stamps, and in-kind services to the New Jersey Black Issues Convention (NJBIC), a private corporation.

WHEREFORE, the Plaintiff, demands that the Defendants, Mayor Sharpe James, Councilman Donald Tucker, NJBIC, Chairman and Registered Agent, Donald Tucker, Council President, Donald Bradley, City Clerk, Robert Marasco, Corporation Counsel, Michelle Hollar-Gregory, and Finance, Director, Ronald Jean be directed to show cause for providing public funds to the New Jersey Black Issues Convention, a private organization, in the past and also to show cause why the Defendants can continue to use public funds, city employees, and other city services to provide a private organization.

Pro Se: Frank Hurtz

A handwritten signature in black ink, appearing to read "Frank Hurtz", with a stylized flourish at the end.

Dated: August 18, 1999